

REMARKS

A. Drawing Objections

The Examiner objected to the drawings under 37 CFR § 1.83(a) as failing to show ~~any~~ feature of the invention specified in the claims. Specifically, the Examiner stated that the drawings fail to illustrate "two spacing covers" as claimed in claim 10.

By the amendments to the claims made above, claim 10 has been canceled thereby obviating this objection.

B. Double Patenting Rejection under 35 USC § 101

The Examiner rejected claims 4-9 and 11-22 as claiming the same invention as that of claims 4-9 and 11-14 of co-pending Application No. 10/027,146.

By the amendments made above, claims 11-22 have been canceled thereby obviating their rejection. Independent claim 4 has been amended and is no longer limited to a micro probe having a scallop, as claimed in claim 4 of co-pending Application No. 10/027,146. Accordingly, independent claim 4 and claims 5-9, which depend from it, are now believed to overcome the same-type double patenting rejection.

In advance of an obviousness-type double patenting rejection of any pending claims, a terminal disclaimer, disclaiming any term beyond that of co-pending Application No. 10/027,146, is submitted herewith.

C. Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 4 and 9-11 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,144,212, issued to Mizuta.

Claims 9-11 have been canceled thereby obviating their rejection. By the amendments made above to claim 4, claim 4 is now believed to be in condition for allowance.

D. Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3 and 15-17 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,448,506, issued to Glenn et al. in view of Japanese Patent No. JP03062546A, issued to Kato et al.

Best Available Copy

Claims 15-17 have been canceled thereby obviating their rejection. By the amendments made above to claim 1, this rejection is believed to be overcome. In addition, because claims 2 and 3 depend from claim 1, which is believed to be in condition for allowance, original claims 2 and 3 are also believed to be in condition for allowance.

E. Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 18-22 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,448,506, issued to Glenn et al. in view of Japanese Patent No. JP03062546A, issued to Kato et al., further in view of U.S. Patent No. 6,144,212, issued to Mizuta.

Claims 18-22 have been canceled thereby obviating their rejection.

F. Summary

In the present Office Action, claims 1-22 were examined. Claims 1-22 are rejected.

By this Amendment, claims 1 and 4 are amended, claims 9-22 are cancelled, and new claim 23 is added. Accordingly, claims 1-8 and 23 are presented for further examination. No new matter has been added. By this Amendment, claims 1-8 and 23 are believed to be in condition for allowance.

Accordingly, Applicant submits that none of the references, alone or in combination, anticipates or makes obvious the invention as presently claimed and that the application is now in condition for allowance. Therefore, Applicant respectfully requests reconsideration and further examination of the application and the Examiner is respectfully requested to take such proper actions so that a patent will issue herefrom as soon as possible.

If the Examiner has any questions or believes that a discussion with Applicant's attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

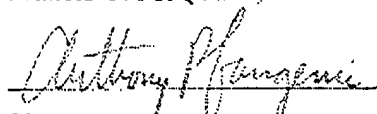
Please apply any credits or charge any deficiencies to our Deposit Account No. 23-035.

Respectfully submitted,

Francis T. McQuade, Charles L. Barto

Date: March 8, 2005

Reg. No. 42,565



Signature of Attorney

Anthony P. Gangemi

Wiggin and Dana LLP

One Century Tower

New Haven, CT 06508-1832

Telephone: (203) 498-4395

Facsimile: (203) 782-2889

AL4685121519618.1

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.